IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 1351 of 2005

Between:

Boyina Srinivasa Rao, S/o Subba Rao, Working as Dy. Tahsildar Trainee, O/o District Collector, Krishna at Machilipatnam.

..... PETITIONER

AND

1 The District Collector, Krishna at Machilipatnam.
2 The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Hyderabad.
3 The Secretary, A.P. Public Service Commission, Hyderabad.
4 The Government of Andhra Pradesh. rep. by its Secretary, GAD (Services), Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of the Writ of Certiorari calling for all the connected records including the impugned order dated 28-1-2005 in O.A.No. 297 of 2005 in so far as rejecting the interim suspension of the operation of the impugned order of the second respondent dated 11-1-2005 and also the impugned proceedings of the second respondent in CCLA's Ref.No. X4/411/2002 dated 11-1-2005 as illegal, improper, unjust, arbitrary and contrary to law and pass such other order or orders.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents Nos.1,2 &4: GP FOR SERVICES-II

Counsel for the Respondent No.3: MR.M.VIJAY KUMAR

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed contending that though appropriate orders are necessary to continue the petitioner, the learned Tribunal only issued notice returnable in four weeks by which the petitioner would be out of service. The Tribunal ought to have granted appropriate interim order instead of issuing notice.

2. The petitioner filed O.A.No.297 of 2005 challenging the order, dated11.01.2005, passed by the Director of Chief Commissioner of Land Administration to the Collector concerned to terminate the services of Sri B. Srinivasa Rao, Probationary Deputy Tahsildar.

3. Learned Tribunal after considering the matter, however, issued notice to the respondents and also issued directions to pay the salary of the petitioner from 24.7.2004 till the applicant discharge his duties as Probationary Deputy Tahsildar. But, however, the learned Tribunal failed to grant the orders to continue the petitioner in service as Probationary Deputy Tahsildar, against which the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that it is a fit case where the interim order ought to have granted to continue the petitioner as Probationary Deputy Tahsildar and if the services of the petitioner are terminated the very purpose of approaching the Tribunal would be frustrated.

5. We have heard the learned Government Pleader also.

6. Under the facts and circumstances, we find that the Tribunal ought to have exercised its discretion to protect the interest of the person who has already working as Probationary Deputy Tahsildar from 22.07.2004.

7. Under those circumstances, we are inclined to dispose of the Writ Petition directing the Tribunal to dispose of the O.A.No.297 of 2005 on merits. Pending the disposal of O.A. the petitioner shall be continued as Probationary Deputy Tahsildar. His further continuance will be subject to the final result of the O.A.

8. With the direction indicated above, the Writ Petition is accordingly, disposed of. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 02.02.2005

ES

Note:- Issue copy by tomorrow.

B/o.

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To

1 The District Collector, Krishna at Machilipatnam.
2 The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Hyderabad.
3 The Secretary, A.P. Public Service Commission, Hyderabad.
4 The Secretary, Government of Andhra Pradesh, GAD (Services), Secretariat Buildings, Hyderabad.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT).

7 2 CD copies.